

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RONALDO LIGONS; BARRY MICHAELSON;
JOHN MILES; JANE MILES; JOHN STILES;
JANE STILES; JOHN ROE; and JANE ROE,
individually, and on behalf of those similarly
situated,

Case No. 15-CV-2210 (PJS/BRT)

Plaintiffs,

ORDER

v.

MINNESOTA DEPARTMENT OF
CORRECTIONS; THOMAS ROY, Minnesota
Commissioner of Corrections in his official
capacity; DR. DAVID A. PAULSON, MD, in his
individual and his official capacities for actions
under color of law as Medical Director,
Minnesota Department of Corrections;
NANETTE LARSON, in her individual and her
official capacities for actions under color of law
as Health Services Director, Minnesota
Department of Corrections; and JOHN and
JANE DOES A-J, in their respective individual
and official capacities for actions under color of
law as staff of Minnesota Correctional
Facilities, Stillwater and Faribault;

Defendants.

In light of the notice of appearance of attorneys Michael Ciresi, Katie Crosby
Lehmann, and Andrew Mohring as lead counsel on behalf of plaintiffs, and in
accordance with the plan discussed at the July 26, 2017 hearing, IT IS HEREBY
ORDERED THAT:

1. Defendants' motion for summary judgment [ECF No. 104] is DENIED WITHOUT PREJUDICE.
2. Plaintiffs' motions for partial summary judgment, for a preliminary injunction, to certify classes, and to exclude expert testimony [ECF Nos. 135, 136, 137, and 138] are DENIED WITHOUT PREJUDICE.
3. Plaintiffs' motion [ECF No. 170] to amend the scheduling order to allow amendment of the second amended complaint [ECF No. 42] is GRANTED IN PART subject to the following conditions:
 - a. Plaintiffs may file a third amended complaint for the purpose of adding new proposed class representatives who:
 - i. are currently incarcerated;
 - ii. have at least two years left to serve on their sentences of imprisonment;
 - iii. have chronic active hepatitis C infections for which the Minnesota Department of Corrections has declined to give them direct-acting anti-viral drugs; and
 - iv. have exhausted their administrative remedies.
 - b. Plaintiffs may not add new claims for relief, but may delete or narrow the claims pleaded in the second amended complaint. The

Court encourages plaintiffs to consider bringing only an Eighth and Fourteenth Amendment claim under 42 U.S.C. § 1983 for deliberate indifference to a serious medical need, to seek only prospective relief, and to seek relief only on behalf of prisoners with active hepatitis C infections. That decision, however, is for plaintiffs to make.

- c. Plaintiffs must file their third amended complaint no later than Monday, December 4, 2017.
- 4. Following the filing of the third amended complaint, the parties should meet with Judge Thorson to discuss any outstanding discovery needs.

Dated: October 4, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge